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REMARKS

Claims 1 – 10 are pending in the present Application. Claims 1 – 2 and 5 – 6 have been amended, leaving claims 1 – 10 for consideration upon entry of the present amendment.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 – 9 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Publication No. 2004/0044117 A1 to Liptak et al. (Liptak). (Office Action dated November 30, 2005, page 3) Applicants respectfully traverse this rejection.

Claim 10 is also rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Publication No. 2004/0044117 A1 to Liptak et al. (Liptak).

The invention as presently amended is directed to an acryl-modified polyester resin composition produced by a polymerization of a polyester resin intermediate of formula (1) and an acryl monomer:

$$\text{R-CH}_2\text{-O-CO-CH=CH-X} \quad \text{---} \quad (1), \text{ wherein R represents a polyester polymer residue, and X represents a methyl or carboxylic group, and wherein the polyester resin intermediate has a hydroxyl value of about 1 to 20 mgKOH/g and an acid value of about 3 to 30 mgKOH/g.}$$

Liptak teaches a composition for coating food cans that comprises a polyester, an acrylic copolymer and a crosslinker. (see Abstract) Liptak teaches that the acrylic copolymer is a polymer formed by combining various acrylic monomers. (see page 2, paragraph [0013]) The claimed invention in contrast is directed to an acryl-modified polyester resin composition produced by a polymerization of a polyester resin and an acryl monomer. (see Claim 1 and 5)

Liptak however does not teach an acid value of about 3 to about 30 mgKOH/g. For this reason at least, Liptak does not teach all elements of the claimed invention and cannot anticipate the claimed invention.

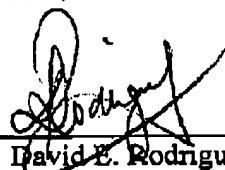
It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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